

UNITED STATES DISTRICT COURT

for the
Western District of Washington

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)
IN THE MATTER OF THE SEARCH OF INFORMATION
ASSOCIATED WITH FACEBOOK USER ID
[100011833950239] and ID [100002044101518]

Case No. MJ16-335

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

Attachment A, attached hereto and incorporated herein by reference.

located in the Western District of Washington, there is now concealed (identify the person or describe the property to be seized):

Please see Attachment B, attached hereto and incorporated herein by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☒ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
21 U.S.C. § 841(a)(1)	Possession of meth with intent to distribute
18 U.S.C. § 3146	Failure to appear

The application is based on these facts:

Please see attached Affidavit of Westland

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

John Westland, DUSM

Printed name and title

Sworn to before me and signed in my presence.

Date: 7/29/16

City and state: Seattle, Washington



Judge's signature

Hon. Brian A. Tsuchida, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

IN THE MATTER OF THE SEARCH OF
INFORMATION ASSOCIATED WITH
FACEBOOK USER ID
[100011833950239] and ID
[100002044101518]

Case No.

Filed Under Seal

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, John Westland, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for information associated with a certain Facebook user ID that is stored at premises owned, maintained, controlled, or operated by Facebook, a social networking company headquartered in Menlo Park, California. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Facebook to disclose to the government records and other information in its possession, pertaining to the subscriber or customer associated with the user ID.

2. I am a Deputy U.S. Marshal / Criminal Investigator with the U.S. Marshal Service (USMS), and have been since January 2008. I have been assigned to the U.S. Marshal Service's Pacific Northwest Violent Offender Task Force since 2010. My training included attending both the Criminal Investigations Training Program at the Federal Law Enforcement Training Center as well as the Basic Deputy US Marshal Training. I have also received ongoing training in fugitive investigations, legal matters,

1 and sex offender investigations. I have participated in numerous arrests, and operations,
2 and have written many court orders.

3 3. The facts in this affidavit come from my personal observations, my
4 training and experience, and information obtained from other agents and witnesses. This
5 affidavit is intended to show merely that there is sufficient probable cause for the
6 requested warrant and does not set forth all of my knowledge about this matter.

7 4. Based on my training and experience and the facts as set forth in this
8 affidavit, there is probable cause to search the information described in Attachment A for
9 the purpose of locating and apprehending Alfredo JIMENEZ-BRAMBILA, who has a
10 federal arrest warrant issued in the Western District of Washington for Violations of
11 Conditions of Pre-Trial Supervised Release. There is also probable cause to search the
12 information described in Attachment A for evidence in the fugitive investigation, as
13 described in Attachment B.

14 5. The warrant application is being presented electronically pursuant to
15 Local Criminal Rule CrR 41(d)(3).

16 **PROBABLE CAUSE**

17 6. On April 12, 2016, a federal arrest warrant was issued in the Western
18 District of Washington to arrest Alfredo JIMENEZ-BRAMBILA for Violating the
19 Conditions of Supervision. Alfredo JIMENEZ-BRAMBILA, an individual in the United
20 States illegally, was arrested on March 30, 2016, for Possession with Intent to Distribute
21 Methamphetamine. Alfredo JIMENEZ-BRAMBILA was in possession of approximately
22 ten pounds of methamphetamine, and was faced with a mandatory minimum sentence of
23 ten years. On April 5, 2016, Alfredo JIMENEZ-BRAMBILA was released on a Pretrial
24 Services supervision bond, and instructed to check in with the Probation Office in Fresno,
25 California on April 11, 2016. Alfredo JIMENEZ-BRAMBILA failed to check in, and as
26 of this writing, Alfredo JIMENEZ-BRAMBILA has not surrendered himself on the
27 outstanding warrant and has made no attempt to contact law enforcement to take steps
28 toward self-surrendering.

1 7. Once the federal warrant was issued for JIMENEZ-BRAMBILA, I began
2 searching for him. I have utilized several investigative techniques without success.

3 8. As part of my efforts to locate the fugitive JIMENEZ-BRAMBILA, I
4 searched Facebook for accounts that might be used by him. I was able to find an account
5 that is being used by Alfredo JIMENEZ-BRAMBILA. I observed that JIMENEZ-
6 BRAMBILA has an active Facebook account with the profile name "Alfredo Brambila,"
7 assigned account number 100011833950239. I have reviewed photographs and videos
8 which were posted on the profile, which are publicly viewable, and based on my review
9 of booking photos, and photographs provided by U.S. Probation of JIMENEZ-
10 BRAMBILA, I conclude that these are photographs and videos are of him. In addition,
11 several identified family members are "friends" with JIMENEZ-BRAMBILA's Facebook
12 account. From what is publically viewable, this account's first post was on April 15,
13 2016 and has been continuously updated to include pictures posted today (July 28, 2016).
14 In addition I have located several other accounts that appear to be associated with Alfredo
15 JIMENEZ-BRAMBILA, another account under the profile name "Alfredo Jimenez" with
16 the assigned account number 100002044101518 has also been recently updated, and has
17 several of the same photographs and friends as the first account.

18 9. These accounts appear to be currently active. While some of the
19 information contained within the accounts appears to be blocked from the public, I have
20 observed that new comments are uploaded regularly and the user posts comments to his
21 "wall" on a regular basis.

22 10. I am aware from my experience and training, and consultation with other
23 investigators, of the following information about Facebook:

24 11. Facebook owns and operates a free-access social networking website of
25 the same name that can be accessed at <http://www.facebook.com>. Facebook allows its
26 users to establish accounts with Facebook, and users can then use their accounts to share
27 written news, photographs, videos, and other information with other Facebook users, and
28 sometimes with the general public.

1 12. Facebook asks users to provide basic contact and personal identifying
2 information to Facebook, either during the registration process or thereafter. This
3 information may include the user's full name, birth date, gender, contact e-mail
4 addresses, Facebook passwords, Facebook security questions and answers (for password
5 retrieval), physical address (including city, state, and zip code), telephone numbers,
6 screen names, websites, and other personal identifiers. Facebook also assigns a user
7 identification number to each account.

8 13. Facebook users may join one or more groups or networks to connect and
9 interact with other users who are members of the same group or network. Facebook
10 assigns a group identification number to each group. A Facebook user can also connect
11 directly with individual Facebook users by sending each user a "Friend Request." If the
12 recipient of a "Friend Request" accepts the request, then the two users will become
13 "Friends" for purposes of Facebook and can exchange communications or view
14 information about each other. Each Facebook user's account includes a list of that user's
15 "Friends" and a "News Feed," which highlights information about the user's "Friends,"
16 such as profile changes, upcoming events, and birthdays.

17 14. Facebook users can select different levels of privacy for the
18 communications and information associated with their Facebook accounts. By adjusting
19 these privacy settings, a Facebook user can make information available only to himself or
20 herself, to particular Facebook users, or to anyone with access to the Internet, including
21 people who are not Facebook users. A Facebook user can also create "lists" of Facebook
22 friends to facilitate the application of these privacy settings. Facebook accounts also
23 include other account settings that users can adjust to control, for example, the types of
24 notifications they receive from Facebook.

25 15. Facebook users can create profiles that include photographs, lists of
26 personal interests, and other information. Facebook users can also post "status" updates
27 about their whereabouts and actions, as well as links to videos, photographs, articles, and
28 other items available elsewhere on the Internet. Facebook users can also post information

1 about upcoming “events,” such as social occasions, by listing the event’s time, location,
2 host, and guest list. In addition, Facebook users can “check in” to particular locations or
3 add their geographic locations to their Facebook posts, thereby revealing their geographic
4 locations at particular dates and times. A particular user’s profile page also includes a
5 “Wall,” which is a space where the user and his or her “Friends” can post messages,
6 attachments, and links that will typically be visible to anyone who can view the user’s
7 profile.

8 16. Facebook allows users to upload photos and videos. It also provides users
9 the ability to “tag” (i.e., label) other Facebook users in a photo or video. When a user is
10 tagged in a photo or video, he or she receives a notification of the tag and a link to see the
11 photo or video. For Facebook’s purposes, the photos and videos associated with a user’s
12 account will include all photos and videos uploaded by that user that have not been
13 deleted, as well as all photos and videos uploaded by any user that have that user tagged
14 in them.

15 17. Facebook users can exchange private messages on Facebook with other
16 users. These messages, which are similar to e-mail messages, are sent to the recipient’s
17 “Inbox” on Facebook, which also stores copies of messages sent by the recipient, as well
18 as other information. Facebook users can also post comments on the Facebook profiles
19 of other users or on their own profiles; such comments are typically associated with a
20 specific posting or item on the profile. In addition, Facebook has a Chat feature that
21 allows users to send and receive instant messages through Facebook. These chat
22 communications are stored in the chat history for the account. Facebook also has a Video
23 Calling feature, and although Facebook does not record the calls themselves, it does keep
24 records of the date of each call.

25 18. If a Facebook user does not want to interact with another user on
26 Facebook, the first user can “block” the second user from seeing his or her account.

27 19. Facebook has a “like” feature that allows users to give positive feedback
28 or connect to particular pages. Facebook users can “like” Facebook posts or updates, as

1 well as webpages or content on third-party (*i.e.*, non-Facebook) websites. Facebook
2 users can also become “fans” of particular Facebook pages.

3 20. Facebook has a search function that enables its users to search Facebook
4 for keywords, usernames, or pages, among other things.

5 21. Each Facebook account has an activity log, which is a list of the user’s
6 posts and other Facebook activities from the inception of the account to the present. The
7 activity log includes stories and photos that the user has been tagged in, as well as
8 connections made through the account, such as “liking” a Facebook page or adding
9 someone as a friend. The activity log is visible to the user but cannot be viewed by
10 people who visit the user’s Facebook page.

11 22. Facebook Notes is a blogging feature available to Facebook users, and it
12 enables users to write and post notes or personal web logs (“blogs”), or to import their
13 blogs from other services, such as Xanga, LiveJournal, and Blogger.

14 23. The Facebook Gifts feature allows users to send virtual “gifts” to their
15 friends that appear as icons on the recipient’s profile page. Gifts cost money to purchase,
16 and a personalized message can be attached to each gift. Facebook users can also send
17 each other “pokes,” which are free and simply result in a notification to the recipient that
18 he or she has been “poked” by the sender.

19 24. Facebook also has a Marketplace feature, which allows users to post free
20 classified ads. Users can post items for sale, housing, jobs, and other items on the
21 Marketplace.

22 25. In addition to the applications described above, Facebook also provides
23 its users with access to thousands of other applications on the Facebook platform. When
24 a Facebook user accesses or uses one of these applications, an update about that the
25 user’s access or use of that application may appear on the user’s profile page.

26 26. Some Facebook pages are affiliated with groups of users, rather than one
27 individual user. Membership in the group is monitored and regulated by the
28 administrator or head of the group, who can invite new members and reject or accept

1 requests by users to enter. Facebook can identify all users who are currently registered to
2 a particular group and can identify the administrator and/or creator of the group.
3 Facebook uses the term “Group Contact Info” to describe the contact information for the
4 group’s creator and/or administrator, as well as a PDF of the current status of the group
5 profile page.

6 27. Facebook uses the term “Neoprint” to describe an expanded view of a
7 given user profile. The “Neoprint” for a given user can include the following information
8 from the user’s profile: profile contact information; News Feed information; status
9 updates; links to videos, photographs, articles, and other items; Notes; Wall postings;
10 friend lists, including the friends’ Facebook user identification numbers; groups and
11 networks of which the user is a member, including the groups’ Facebook group
12 identification numbers; future and past event postings; rejected “Friend” requests;
13 comments; gifts; pokes; tags; and information about the user’s access and use of
14 Facebook applications.

15 28. Facebook also retains Internet Protocol (“IP”) logs for a given user ID or
16 IP address. These logs may contain information about the actions taken by the user ID or
17 IP address on Facebook, including information about the type of action, the date and time
18 of the action, and the user ID and IP address associated with the action. For example, if a
19 user views a Facebook profile, that user’s IP log would reflect the fact that the user
20 viewed the profile, and would show when and from what IP address the user did so.

21 29. Social networking providers like Facebook typically retain additional
22 information about their users’ accounts, such as information about the length of service
23 (including start date), the types of service utilized, and the means and source of any
24 payments associated with the service (including any credit card or bank account number).
25 In some cases, Facebook users may communicate directly with Facebook about issues
26 relating to their accounts, such as technical problems, billing inquiries, or complaints
27 from other users. Social networking providers like Facebook typically retain records
28 about such communications, including records of contacts between the user and the

1 provider's support services, as well as records of any actions taken by the provider or
2 user as a result of the communications.

3 30. Therefore, the computers of Facebook are likely to contain all the material
4 described above, including stored electronic communications and information concerning
5 subscribers and their use of Facebook, such as account access information, transaction
6 information, and other account information. I believe such information is likely to help
7 me locate the fugitive described in this affidavit.

8 **INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED**

9 31. I anticipate executing this warrant under the Electronic Communications
10 Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by
11 using the warrant to require Facebook to disclose to the government copies of the records
12 and other information (including the content of communications) particularly described in
13 Section I of Attachment B. Upon receipt of the information described in Section I of
14 Attachment B, government-authorized persons will review that information to locate the
15 items described in Section II of Attachment B.

16 **CONCLUSION**

17 32. Based on the forgoing, I request that the Court issue the proposed search
18 warrant.

19 33. This Court has jurisdiction to issue the requested warrant because it is "a
20 court of competent jurisdiction" as defined by 18 U.S.C. § 2711. *See* 18 U.S.C. §§
21 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is "a district court of the United
22 States . . . that – has jurisdiction over the offense being investigated." 18 U.S.C. §
23 2711(3)(A)(i).

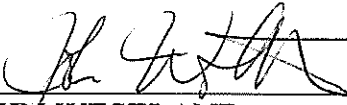
24 34. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement
25 officer is not required for the service or execution of this warrant.

26 **REQUEST FOR SEALING**


27 35. I further request that the Court order that all papers in support of this
28 application, including the affidavit and search warrant, be sealed until further order of the

1 Court. These documents discuss an ongoing fugitive investigation that is neither public
2 nor known to the target of the investigation. Accordingly, there is good cause to seal
3 these documents because their premature disclosure may seriously jeopardize the
4 investigation.

5
6 DATED this 29 day of July, 2016.

7
8 
9 _____
10 JOHN WESTLAND
11 Deputy Marshal
12 United States Marshal Service

13 The above-named agent provided a sworn statement attesting to the truth of the
14 contents of the foregoing affidavit on this 29 day of July, 2016.

15 
16 _____
17 Hon. Brian A. Tsuchida
18 United States Magistrate Judge
19
20
21
22
23
24
25
26
27
28

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with the Facebook user ID 100011833950239 and ID 100002044101518 that is stored at premises owned, maintained, controlled, or operated by Facebook, a company headquartered in Menlo Park, California.

ATTACHMENT B**Particular Things to be Seized****I. Information to be disclosed by Facebook**

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook, including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Facebook is required to disclose the following information to the government for each user ID listed in Attachment A:

- (a) All contact and personal identifying information, including full name, user identification number, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.
- (b) All activity logs for the account and all other documents showing the user's posts and other Facebook activities;
- (c) All photos and videos uploaded by that user ID and all photos and videos uploaded by any user that have that user tagged in them;
- (d) All profile information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications;

- (e) All other records of communications and messages made or received by the user, including all private messages, chat history, video calling history, and pending "Friend" requests;
- (f) All "check ins" and other location information;
- (g) All IP logs, including all records of the IP addresses that logged into the account;
- (h) All records of the account's usage of the "Like" feature, including all Facebook posts and all non-Facebook webpages and content that the user has "liked";
- (i) All information about the Facebook pages that the account is or was a "fan" of;
- (j) All past and present lists of friends created by the account;
- (k) All records of Facebook searches performed by the account;
- (l) All information about the user's access and use of Facebook Marketplace;
- (m) The types of service utilized by the user;
- (n) The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number);
- (o) All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the account;
- (p) All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook account, including contacts with support services and records of actions taken.

II. Information to be seized by the government

All information described above in Section I that relates to the ongoing fugitive investigation involving Samuel MORALES, including, for each user ID identified on Attachment A, information pertaining to the following matters:

- 1 (a) Any content including e-mails, messages, texts, photographs, visual
2 images, documents, spreadsheets, address lists, contact lists or
3 communications of any type which could be used to identify the user and or
4 their location.
- 5 (b) Records relating to who created, used, or communicated with the user ID,
6 including records about their identities and whereabouts.
- 7 (c) All subscriber records associated with the specified accounts, including
8 name, address, local and long distance telephone connection records, or
9 records of session times and durations, length of service (including start
10 date) and types of service utilized, telephone or instrument number or other
11 subscriber number or identity, including any temporarily assigned network
12 address, and means and source of payment for such service including any
13 credit card or bank account number.
- 14 (d) Any and all other log records, including IP address captures, associated
15 with the specified accounts;
- 16 (e) Any records of communications between Facebook and any person about
17 issues relating to the account, such as technical problems, billing inquiries,
18 or complaints from other users about the specified account. This to include
19 records of contacts between the subscriber and the provider's support
20 services, as well as records of any actions taken by the provider or
21 subscriber as a result of the communications.
- 22
23
24
25
26
27
28

**CERTIFICATE OF AUTHENTICITY OF DOMESTIC BUSINESS
RECORDS PURSUANT TO FEDERAL RULE OF EVIDENCE 902(11)**

I, _____, attest, under penalties of perjury under the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this declaration is true and correct. I am employed by Facebook, and my official title is _____. I am a custodian of records for Facebook. I state that each of the records attached hereto is the original record or a true duplicate of the original record in the custody of Facebook, and that I am the custodian of the attached records consisting of _____ (pages/CDs/kilobytes). I further state that:

- a. all records attached to this certificate were made at or near the time of the occurrence of the matter set forth, by, or from information transmitted by, a person with knowledge of those matters;
- b. such records were kept in the ordinary course of a regularly conducted business activity of Facebook; and
- c. such records were made by Facebook as a regular practice.

I further state that this certification is intended to satisfy Rule 902(11) of the Federal Rules of Evidence.

Date

Signature